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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA,
10
Plaintiff,

11 vs.

12 BOBBY THOMPSON and
13 RANDY HUMPHREY,

14 Defendants.
15

2:17-mj-00947-PAL

Stipulation to Continue the
Preliminary Hearing (Second
Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between STEVEN W.
17 MYHRE, Acting United States Attorney, and CRISTINA D. SILVA, Assistant United
18 States Attorney, counsel for the United States of America, and Nicholas Wooldridge,
19 Esq., counsel for Defendant BOBBY THOMPSON, and Dennis Matthew Lay, Esq.,
20 counsel for defendant RANDY HUMPHREY, that the preliminary hearing date in the
21 above-captioned matter, currently scheduled for December 18, 2017, at 4:00 pm, be
22 vacated and continued for sixty (60) days, to a date and time to be set by this
23 Honorable Court.

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This stipulation is entered into for the following reasons:

1. The parties have initiated discussions regarding resolving the case pre-indictment. Additional time is needed for defense counsel to review discovery, including a new video that was recently reproduced due to technical issues with the prior disc, and for counsel to discuss the discovery with their clients.
2. The Defendants also need additional time to discuss a potential pre-indictment resolution with their clients.
3. All parties agree to the continuance.
4. The defendants are currently detained pending trial but do not object to a continuance.
5. Denial of this request for continuance could result in a miscarriage of justice.
6. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.
7. The additional time requested by this stipulation, is allowed, with the defendants' consent under the Federal Rules of Procedure 5.1(d).

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8. This is the second request for a continuation of the preliminary hearing for all Defendants.

DATED this 15th day of December, 2017.

Respectfully submitted,

For the Defendants:

For the United States:

STEVEN W. MYHRE
Acting United States Attorney

//s//
NICHOLAS WOOLRIDGE, ESQ.
Counsel for Defendant - Thompson

//s//
CRISTINA D. SILVA
Assistant United States Attorney

//s//
DENNIS MATTHEW LAY, ESQ.
Counsel for Defendant – Humphrey

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**
3 **-oOo-**

4 UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

5 Plaintiff,

6 vs.

ORDER

7 BOBBY THOMPSON and
8 RANDY HUMPHREY,

Defendants.

9 Based on the pending Stipulation of counsel, and good cause appearing
10 therefore, the Court finds that:

- 11 1. The parties have initiated discussions regarding resolving the case pre-
12 indictment. Additional time is needed for defense counsel to review
13 discovery, including a new video that was recently reproduced due to
14 technical issues with the prior disc, and for counsel to discuss the
15 discovery with their clients.
- 16 2. The Defendants also need additional time to discuss a potential pre-
17 indictment resolution with their clients.
- 18 3. All parties agree to the continuance.
- 19 4. The defendants are currently detained pending trial but do not object to a
20 continuance.
- 21 5. Denial of this request for continuance could result in a miscarriage of
22 justice.
- 23 6. The additional time requested herein is not sought for purposes of delay,
24

1 but to allow for a potential pre-indictment resolution of the case.

2 7. The additional time requested by this stipulation, is allowed, with the
3 defendants' consent under the Federal Rules of Procedure 5.1(d).

4 8. This is the second request for a continuation of the preliminary hearing
5 for all defendants.

6 For all of the above-stated reasons, the ends of justice would best be served by a
7 continuance of the preliminary hearing date.

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9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best
11 interest of the public and the defendants, since the failure to grant said continuance
12 would be likely to result in a miscarriage of justice, would deny the parties herein to
13 potentially resolve the case prior to indictment, and further would deny the parties
14 sufficient time and the opportunity within which to be able to effectively and
15 thoroughly prepare for the preliminary hearing, taking into account the exercise of due
16 diligence.


17 The continuance sought herein is allowed, with the defendants' consent,
18 pursuant to Federal Rules of Procedure 5.1(d).

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20 **ORDER**

21 IT IS THEREFORE ORDERED that the preliminary hearing currently
22 scheduled for December 18, 2017, at the hour of 4:00 pm, be vacated and continued to
23 ...

1 February 16, 2018, at the hour of 4:00 p.m.

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3 DATED this 22nd day of December, 2017.

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5 THE HONORABLE PEGGY A. LEEN
6 UNITED STATES MAGISTRATE JUDGE
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